

1 JEFFREY BOSSERT CLARK
2 Acting Assistant Attorney General
JEFFREY S. ROBINS
3 Deputy Director
4 SARAH B. FABIAN
NICOLE N. MURLEY
5 Senior Litigation Counsel
6 U.S. Department of Justice
Office of Immigration Litigation
7 PO Box 868, Ben Franklin Station
8 Washington, D.C. 20044
Nicole.Murley@usdoj.gov
9 Telephone: (202) 616-0473
10 Fax: (202) 616-8962
Attorneys for Defendants
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13 **UNITED STATES DISTRICT COURT**
14 **CENTRAL DISTRICT OF CALIFORNIA**
15 **WESTERN DIVISION**

16 Ms. J.P., et al.,

17 Plaintiffs,

18 v.

19 WILLIAM P. BARR, et al.,

20 Defendants.
21

Case No. 2:18-cv-06081-JAK-SK

DEFENDANTS' STATUS REPORT

22 On March 24, 2020, the Court granted the parties' stipulation staying this
23 litigation, including all pending deadlines and any pending discovery until January 10,
24 2021. ECF No. 298. Defendants have submitted status reports providing updates on
25 Defendants' progress in providing the injunctive relief to class members on May 22,
26 July 21, and September 21, 2020. ECF Nos. 299, 301, 303. The Court directed
27 Defendants to file a further status report on or before November 20, 2020. ECF No. 304.
28 Defendants submit this status report in accordance with the Court's instruction.

I. Update on Relief Provided to the Custody Subclass

As of October 24, 2020, there were 11 potential Custody Subclass members in U.S. Immigration and Customs Enforcement (ICE) custody.¹ ICE Enforcement and Removal Operations (ERO) has personally served notices on 9 of the 11 potential Custody Subclass members. *See* Declaration Captain Indira Harris attached hereto as Defs.’ Ex. A. Six of the 11 potential Custody Subclass members identified were previously identified as potential Custody Subclass members. There are two newly identified potential Custody Subclass members who were removed from the United States prior to receiving class notice and/or a mental health assessment. ERO has also publicly posted notices in certain detention facilities, where the detained subclass members are located. *See* ECF No. 299. As of this date, mental health evaluations have been completed for 9 of the potential Custody Subclass members identified. *See* Defs.’ Ex. A. As of this date, the three newly identified potential Custody Subclass members have not requested or required additional treatment. *Id.*

II. Update on Relief Provided to the Released Subclass

On March 11, 2020, the U.S. Department of Health and Human Services (HHS) entered into a contract with Seneca Family of Agencies (“Seneca”) to implement the preliminary injunction as to the Released Subclass. Under the contract, Seneca locates class members within the United States, notifies them of the availability of mental health assessment and treatment for themselves and their families, and determines their interest in seeking services. Seneca then coordinates referrals to no or low-cost mental health providers who receive federal grant funding from, or are supported or designated by, the Substance Abuse and Mental Health Services Administration (“SAMHSA”) or the Health Resources and Services Administration (“HRSA”) of HHS, as well as to community-based mental health organizations.

¹ Defendants provided Class Counsel with the updated/operative class list prior to the filing of the status report.

1 On November 13, 2020, Seneca submitted a progress report to HHS, attached
2 hereto as Defs.' Ex. B, in which Seneca summarized the efforts it has undertaken to
3 assist class members obtaining the court-ordered services. As the report indicates,
4 Seneca has provided 2,103 class members with notices by first-class mail, in both
5 English and Spanish. Seneca has spoken telephonically with 496 Released Subclass
6 members, 237 of whom have requested mental health services, 83 are undecided, and
7 176 have declined services. *See* Defs.' Ex. B.

8 As of today, Seneca lacks mailing addresses for only 22 class members, 20 of
9 whom were either released to non-profit organizations serving the immigrant
10 community or reunited at a DHS detention facility. DHS ran a search through its system
11 of records to determine if it has any updated contact information for these class
12 members, but did not find any.

13 Seneca continues to conduct direct outreach to the non-profit community and
14 search publicly available sources to locate these families. Specifically, Seneca has
15 utilized a multi-faceted approach to locate class members. Not only has it mailed the
16 approved notice letter to the class members with a mailing address, it has also worked
17 closely with the *Ms. L* Steering Committee to gather updated contact information.
18 Seneca also employs social media and the news as tools to spread awareness about the
19 availability of services. Seneca has indicated that it has built a wide network of
20 immigration advocacy partners who share information about *Ms. J.P.* relief with their
21 individual clients and make referrals to Seneca. Seneca continues to leverage its
22 expertise in family finding to identify updated contact information using public records.
23 When Seneca locates the remaining class members, it will notify them of the availability
24 of mental health services.

25
26 Dated: November 20, 2020

JEFFREY BOSSERT CLARK
Acting Assistant Attorney General

27
28 JEFFREY S. ROBINS

Deputy Director

SARAH B. FABIAN

Senior Litigation Counsel

/s/ Nicole N. Murley

NICOLE N. MURLEY

Senior Litigation Counsel

Department of Justice

Civil Division

Office of Immigration Litigation

District Court Section

P.O. Box 868

Washington, D.C. 20044

Tel: (202) 616-0473

Email: Nicole.Murley@usdoj.gov

Attorneys for Defendants

CERTIFICATE OF SERVICE

IT IS HEREBY CERTIFIED THAT:

I, Nicole N. Murley, am a citizen of the United States and am at least eighteen years of age. My business address is 450 Fifth Street, NW, Washington, D.C. 20001. I have caused service of the Status Report on all counsel of record, by electronically filing the foregoing with the Clerk of the District Court using its ECF System, which electronically provides notice. I also served Plaintiffs' counsel by electronic mail. I declare under penalty of perjury that the foregoing is true and correct.

DATED: November 20, 2020

/s/ Nicole N. Murley
NICOLE N. MURLEY